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JAN 05 2004 In re application of
PATENT & TRADEMARK OFFICE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of
Masamichi NAKASHIBA et al.

Serial No. 09/589,388

Filed June 8, 2000

: Confirmation No. 9958

: Docket No. 2000-0722

: Group Art Unit 3723

: Examiner George Nguyen

Reissue Application of
U.S. Patent No. 5,762,539 issued June 9, 1998

**APPARATUS FOR AND METHOD FOR
POLISHING WORKPIECE**

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REISSUE PATENT APPLICATION STATEMENT
AS TO LOSS OF ORIGINAL PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby state that I am the Applicant for a reissue patent based on the originally patent identified above.

I further hereby state that the ribboned original patent grant is lost or inaccessible.

Masatoshi YODA

Typed or Printed Name


Signature

December 26, 2003

Date

President and Representative Director
Title

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

Original Supplemental Substitute PCT DESIGN

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PATENT & TRADEMARKS*

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention.

Title: APPARATUS FOR AND METHOD FOR POLISHING WORKPIECE

of which is described and claimed in:

() the attached specification, or
 the specification in application Serial No. 09/589,388, filed June 8, 2000, and with amendments through July 31, 2003 (if applicable), or
 () the specification in International Application No. , filed , and as amended on (if applicable).
 () letters patent number 5,762,539 granted on June 9, 1998 and in the attached specification for which I solicit a reissue patent.

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	65315/1996	February 27, 1996	YES

I believe the original patent to be partly inoperative by reason of the patentee claiming less than patentee had the right to claim in the patent. In particular, in patent claim 1, the limitation of "a pressurized fluid source for supplying pressurized fluid" unnecessarily and unduly restricts the scope of claim 1 in that other aspects of the disclosed invention are patentable without such limitation. Also, patent claim 8 requires that the step of "ejecting pressurized fluid from openings in a plurality of areas in said holding surface of said top ring toward the workpiece held by said top ring, said pressurized fluid being selectively ejectable from said openings in said respective areas". This limitation unnecessarily and unduly restricts the scope of patent claim 8. Applicants consider their invention to include the steps of holding a workpiece by a top ring, and pressing the workpiece against a polishing surface of a turntable to polish a surface of the workpiece by applying independently adjustable pressures to substantially concentric circular areas of the workpiece. Thus, the method recited in patent claim 8 is unnecessarily limited by the inclusion of the limitation of ejecting pressurized fluid from openings in a plurality of areas in the holding surface of the top ring.

All errors which are being corrected in the present reissue application up to the time of filing of this Declaration arose without any deceptive intention on the part of the Applicants. Furthermore, every error in the patent which was corrected in the present reissue application, and is not covered by a prior Oath or Declaration submitted in this application, arose without any deceptive intention on the part of the Applicant.

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And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Jeffrey Nolton, Reg. No. 25,408; Warren M. Check, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; and Charles R. Watts, Reg. No. 33,142, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., jointly and severally, attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from WATANABE & HOTTA as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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5th Inventor _____ Date _____

6th Inventor _____ Date _____

The above application may be more particularly identified as follows:

U.S. Application Serial No. 09/589,388 Filing Date June 8, 2000

Applicant Reference Number GEB475-US-Reissue Atty Docket No. 2000-0722

Title of Invention APPARATUS FOR AND METHOD FOR POLISHING WORKPIECE